STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

| IN THE MATTER OF: |) | | |
|------------------------|---|----------------|------------|
| |) | | |
| BEVERLY A. MUHAMMED, |) | | |
| |) | CHARGE: | 2002CA0348 |
| |) | EEOC: | 21BA13210 |
| Complainant, |) | | |
| |) | ALS NO: | 11824 |
| |) | | |
| and |) | | |
| UNITED AIRLINES, INC., |) | | |

Respondent.

RECOMMENDED ORDER AND DECISION

This matter comes on to be heard pursuant to Respondent's, United Airlines, Inc.'s, (UAL) Motion to Dismiss. Complainant did not file a Response. This matter is ready for decision.

Statement of the Case

On August 7, 2001, Complainant filed a charge with the Illinois Department of Human Rights (Department). On July 11, 2002, Complainant filed a complaint pursuant to that charge.

Discussion

Respondent alleges that the Department's investigation into the above captioned charge is not complete; therefore, Muhammad's self-filed complaint is premature. An extension of the 365-day time limit by which the Department must make a determination of whether there is substantial evidence, totaling 150 days, was entered, giving the Department until January 3, 2003 to act.

In the case at bar, if the Department had failed to make this determination by

January 3, 2003, then, and only then, Muhammad could have filed her own complaint

between January 4, 2003 and February 2, 2003, within 30 days after the Department's

time had expired, (Section 7A-102(G)(2) of the Act). The Department found lack of

substantial evidence in the above captioned charge on September 24, 2002.

Consequently, Muhammad's self-filed complaint is inapposite.

IT IS THEREFORE ORDERED THAT:

Respondent's Motion to Dismiss is GRANTED without prejudice; this matter is

remanded to the Illinois Department of Human Rights.

HUMAN RIGHTS COMMISSION

BY:

WILLIAM H. HALL, IV ADMINISTRATIVE LAW JUDGE

ADMINISTRATIVE LAW SECTION

ENTERED: May 7, 2003

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